

Before the  
**Federal Communications Commission**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.606(b)  
TV Table of Allotments  
TV Broadcast Stations  
(Oshkosh, Wisconsin)

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MM Docket No. \_\_\_\_\_  
RM No. \_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING**

Oshkosh 22, L.L.C. ("Oshkosh 22"), by counsel, and pursuant to Section 1.401 of the Commission's rules and *Public Notice*, DA 99-2605 (released November 22, 1999) ("Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations") ("*Window Filing Notice*"),<sup>1</sup> hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to substitute Channel 50 for the existing Channel 22 allotment at Oshkosh, Wisconsin. Accordingly, Oshkosh 22 proposes to amend Section 73.606(b) of the Commission's rules as follows:

<sup>1</sup> On March 9, 2000, the Commission extended the window filing period until July 15, 2000. See *Public Notice*, 15 FCC Rcd 4974 (2000) ("Window Filing Opportunity For Certain Pending Applications and Allotment Petitions For New Analog TV Stations Extended to July 15, 2000").

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<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Oshkosh, Wisconsin	22+, *50+ <sup>2</sup>		50+

In support of this request, the following is stated:

Oshkosh 22 currently has an application pending for a new NTSC television station to operate on Channel 22 at Oshkosh, Wisconsin (File No. BPCT-960920YL). As demonstrated in the attached engineering statement of Keith J. Leitch, the proposed Channel 22 operation at Oshkosh is short-spaced to five (5) different DTV allotments. *See* Engineering Statement, Exhibit RM-1.

Pursuant to the *Window Filing Notice*, Oshkosh 22 requests that the FCC amend the TV Table of Allotments by substituting Channel 50 for Channel 22 at Oshkosh. As demonstrated in Mr. Leitch's attached engineering statement, from the transmitter site proposed in Oshkosh 22's pending application, the proposed Channel 50 NTSC operation at Oshkosh would not cause harmful interference to any other NTSC station, and less than 0.5% interference to any digital station. *See* Engineering Statement, Exhibits RM-2, FLR-1, and FLR-2. The proposed Channel 50 NTSC facility

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<sup>2</sup> The existing TV Table of Allotments contained in Section 73.606(b) of the Commission's rules, 47 CFR §73.606(b), contains a vacant noncommercial allotment for Channel 50. However, in the *Sixth Report and Order* in MM Docket No. 87-268, 12 FCC Rcd 14588, 14639, ¶112 and n. 192 (1997), the Commission stated that those NTSC allotments which were not the subject of a pending application or rulemaking proceeding would be deleted. Thus, although the Commission has not yet issued an order deleting the vacant noncommercial allotment for Channel 50 at Oshkosh, that allotment has effectively been deleted. *See Id.* at n. 192.

at Oshkosh can operate from the proposed transmitter site with 1400 kW directional effective radiated power at 282 meters height above average terrain without adversely affecting any other television station. The proposed NTSC Channel 50 operation also would provide an 80 dBu contour to the entire community of Oshkosh as demonstrated in Exhibit 4 to the attached engineering statement and the accompanying Longley-Rice/Tech Note-101 study.

In light of the above, Oshkosh 22 requests that the Commission amend the TV Table of Allotments to substitute Channel 50 for Channel 22 at Oshkosh, Wisconsin. In the event Channel 50 is allotted to Oshkosh, Oshkosh 22 will amend its pending application in accordance with the Report and Order issued in this proceeding to specify the new channel, and modify its technical proposal as necessary so that the proposed Channel 50 NTSC facility will not cause harmful interference to any other television station. In the event its application is ultimately granted, Oshkosh 22 will promptly construct and operate the new facility.

WHEREFORE, in light of the foregoing, Oshkosh 22, L.L.C., respectfully requests that the Commission GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and SUBSTITUTE Channel 50 for the existing Channel 22 allotment at Oshkosh, Wisconsin.

Respectfully submitted,

OSHKOSH 22, L.L.C.

By: 

Stuart B. Mitchell  
Its Counsel

706 - C Espada Drive  
El Paso, TX 79912

July 10, 2000

**WES, INC.**  
**6200 Valeria Ln.**  
**El Paso, TX 79912**

**505-589-2224**

**ENGINEERING EXHIBIT**  
**PETITION TO MODIFY THE TABLE OF**  
**ALLOTMENTS TO SPECIFY A**  
**DISPLACEMENT CHANNEL TO**  
**SUBSTITUTE FOR OSHKOSH, WI**  
**CHANNEL 22**

**June 23, 2000**

**ENGINEERING STATEMENT**

**Wes, Inc.**

## **DECLARATION**

I, Keith J. Leitch declare and state that I am a Certified Broadcast Engineer, by the Society of Broadcast Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Oshkosh 22, L.L.C.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Keith J. Leitch

Executed on the 23rd day of June, 2000

**Narrative Statement**

**I. GENERAL**

This engineering report has been prepared on behalf of Oshkosh 22, L.L.C., in support of its request for a displacement channel (Channel 50) for its pending application for Channel 22 in Oshkosh, WI (BPCT960920YL).

**II. ENGINEERING DISCUSSION**

The applicant originally applied for a construction permit for an existing allocation on channel 22 in Oshkosh, WI. The applicant is precluded from going on channel 22 due to interference to several short-spaced digital allotments as outlined in Exhibit RM-1

The applicant proposes the same site as its original application for C.P.

North Latitude: 44° 23' 53"

West Longitude: 88° 35' 28"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 50 (686-672 MHz) for the NTSC television operation of Oshkosh 22, L.L.C. As demonstrated below, the proposed Channel 50 NTSC operation at Oshkosh, WI would not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines. Oshkosh, WI Channel 50 would provide additional service to a population of 551,386 people.

The proposed NTSC Channel 50 has site availability and can operate from the proposed antenna site with 1400 kW directional ERP and 282 meters HAAT without adversely impacting other TV operations. A tabulation of the relative field of the proposed antenna pattern is provided for in Exhibit 2. The proposed antenna is an Ultra Blaster ACB-32-D antenna oriented at 155 degrees. The proposed Channel 50 would serve all of Oshkosh, WI with at least an 80 dBu contour as demonstrated on the attached Exhibit 4 and Longley-Rice/Tech Note-101 Study.

### Analog NTSC TV Allocation Situation

The attached Exhibit RM-2 demonstrates that Channel 50, Oshkosh, WI, is free of any short-spacings to any other NTSC stations.

### Class A Situation

A complete study of all Class A LPTV stations has been conducted. Oshkosh Channel 50 will not cause any interference to any Class A stations. The attached Exhibit FLR-3 demonstrates lack of interference to KQEG-LP.

### DTV Allocation Situation

The attached Exhibit RM-3 lists all digital allotments that must be considered within 429 kilometers of the proposed rule-making. The applicant will not cause any interference to Green Bay DTV channel 42 and will only accept negligible to no interference from this station. The attached exhibits FLR-1 and FLR-2 demonstrate what interference Traverse City DTV 50, Madison DTV 50 and Green Bay DTV 51 receive at present and with the addition of Oshkosh, WI Channel 50. Exhibit FLR-4 demonstrates the amount of interference Oshkosh, WI will receive from Green Bay DTV channel 42 and all other stations that may cause interference to Oshkosh, WI.

## **III. Summary**

The applicant must change channel from Channel 22 in Oshkosh, WI to channel 50 in order to avoid interference to digital television. On channel 50, Oshkosh will not cause any interference to any NTSC stations and less than 0.5% interference to any Digital stations.

**Exhibit RM-1  
Oshkosh, WI**

**June 23, 2000**

**by WES, Inc. Broadcast Consultants**

Spacing study to Digital TV on Oshkosh's current channel 22

Study Location:

Oshkosh, WI, WI Channel 22

NTSC Study Station, Transmitter Coordinates: 44-23-53 N 88-35-28 W

Study distance: 429 km

**\*\*\*NTSC TO DTV STUDY RESULTS\*\*\***

City of License	ST	Chan	Bearing	Distance	Req. Dist	Diff.
Bay City	MI	22	105.13	394.95	244.60	150.35
Iron Mountain	MI	22	15.27	163.75	244.60	-80.85
Minneapolis	MN	22	281.55	366.53	244.60	121.93
Green Bay	WI	23	88.42	47.00	88.50	-41.50
Manitowoc	WI	19	111.51	82.66	96.60	-13.94
Milwaukee	WI	22	159.17	155.79	244.60	-88.81
Suring	WI	21	35.47	45.75	88.50	-42.75
Wausau	WI	24	303.62	104.86	96.60	8.26
Wausau	WI	29	303.62	104.86	96.60	8.26

Station is short-spaced to 5 stations.



**March 3, 2000**  
**by WES, Inc. Broadcast Consultants**

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
500	WPWRTV	4709	GARY	IN	1	L	164.2	290.5	248.6	41.9

\*\*\*\*\* End of channel 50 study \*\*\*\*\*

# Exhibit RM-3

## Oshkosh, WI

June 23, 2000

by WES, Inc. Broadcast Consultants

Spacing study to Digital TV on channel 50

Study Location:

Oshkosh, WI Channel 50

NTSC Study Station, Transmitter Coordinates: 44-23-53 N 88-35-28 W

Study distance: 429 km

### \*\*\*NTSC TO DTV STUDY RESULTS\*\*\*

City of License	ST	Chan	Bearing	Distance	Req. Dist	Diff.
Traverse City	MI	50	93.39	229.89	244.60	-14.71
St. Paul	MN	50	281.58	367.80	244.60	123.20
Green Bay	WI	42	88.42	47.00	96.60	-49.60
Green Bay	WI	51	88.59	47.79	88.50	-40.71
Madison	WI	50	207.02	167.40	244.60	-77.20
Mayville	WI	43	177.20	106.98	96.60	10.38

Station is short-spaced to 4 stations.

**Exhibit FLR-1**  
**Oshkosh, WI Channel 50**  
**June 23, 2000**

**Fortran Longley-Rice Interference Study**  
**by WES, Inc. Broadcast Consultants**

Study run without the addition of Oshkosh, WI Channel 50  
to the FLR database.

Run begins Fri Jun 23 18:43:37 2000, host providence

Analysis of: 51A WI GREEN BAY

HAAT 384.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1008388	33072.5
not affected by terrain losses	1007604	33024.2
lost to NTSC IX	22	4.0
lost to additional IX by ATV	1493	52.3
lost to ATV IX only	1515	56.4
lost to all IX	1515	56.4

Finished Fri Jun 23 18:49:30; run time 0:04:36

16412 calls to Longley-Rice; path distance increment 1.00 km

Run begins Fri Jun 23 17:25:32 2000, host providence

Analysis of: 50A WI MADISON

HAAT 469.0 m, ATV ERP 380.2 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1361981	31620.5
not affected by terrain losses	1353090	31221.5
lost to NTSC IX	38012	580.3
lost to additional IX by ATV	1010	56.4
lost to ATV IX only	10088	161.2
lost to all IX	39022	636.7

Finished Fri Jun 23 17:33:30; run time 0:06:15

19651 calls to Longley-Rice; path distance increment 1.00 km

Run begins Fri Jun 23 17:10:55 2000, host providence

Analysis of: 50A MI TRAVERSE CITY

HAAT 411.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	409470	34561.0
not affected by terrain losses	406071	34265.5
lost to NTSC IX	3293	207.6
lost to additional IX by ATV	265	8.0
lost to ATV IX only	573	28.0
lost to all IX	3558	215.6

Finished Fri Jun 23 17:19:31; run time 0:06:40

20054 calls to Longley-Rice; path distance increment 1.00 km

**Exhibit FLR-2**  
**Oshkosh, WI Channel 50**  
**June 23, 2000**

**Fortran Longley-Rice Interference Study**  
**by WES, Inc. Broadcast Consultants**

Study run with Oshkosh, WI Channel 50 added at  
1400 kW with an ACI D pattern pointed at 155 degrees.

Run begins Fri Jun 23 20:19:50 2000, host providence

Analysis of: 51A WI GREEN BAY

HAAT 384.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1008388	33072.5
not affected by terrain losses	1007604	33024.2
lost to NTSC IX	252	12.1
lost to additional IX by ATV	1493	52.3
lost to ATV IX only	1515	56.4
lost to all IX	1745	64.4

Finished Fri Jun 23 20:26:23; run time 0:05:09

21932 calls to Longley-Rice; path distance increment 1.00 km

Run begins Fri Jun 23 20:06:57 2000, host providence

Analysis of: 50A WI MADISON

HAAT 469.0 m, ATV ERP 380.2 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1361981	31620.5
not affected by terrain losses	1353090	31221.5
lost to NTSC IX	44729	1023.5
lost to additional IX by ATV	743	44.3
lost to ATV IX only	10088	161.2
lost to all IX	45472	1067.9

Finished Fri Jun 23 20:16:48; run time 0:07:48

26549 calls to Longley-Rice; path distance increment 1.00 km

Run begins Fri Jun 23 20:35:21 2000, host providence

Analysis of: 50A MI TRAVERSE CITY

HAAT 411.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	409470	34561.0
not affected by terrain losses	406071	34265.5
lost to NTSC IX	3317	219.6
lost to additional IX by ATV	265	8.0
lost to ATV IX only	573	28.0
lost to all IX	3582	227.6

Finished Fri Jun 23 20:46:37; run time 0:08:46

27486 calls to Longley-Rice; path distance increment 1.00 km

**Exhibit FLR-3**  
**Oshkosh, WI Channel 50**  
**June 23, 2000**

**Fortran Longley-Rice Interference Study**  
**by WES, Inc. Broadcast Consultants**

Study run with Oshkosh Channel 50 added to the database.  
La Crescent receives no interference from any stations.

Run begins Fri Jun 23 22:29:43 2000, host providence

Analysis of: 50N MN LA CRESCENT

	POPULATION	AREA (sq km)
within Noise Limited Contour	95356	920.3
not affected by terrain losses	92171	811.8
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to all IX	0	0.0

Finished Fri Jun 23 22:30:46; run time 0:00:55

905 calls to Longley-Rice; path distance increment 1.00 km

**Exhibit FLR-4  
Oshkosh, WI Channel 50  
June 23, 2000**

**Fortran Longley-Rice Interference Study  
by WES, Inc. Broadcast Consultants**

Study run on Oshkosh, WI to determine the amount of interference it would receive from all stations.

Run begins Fri Jun 23 23:28:24 2000, host providence

Analysis of: 50N WI OSHKOSH

	POPULATION	AREA (sq km)
within Noise Limited Contour	552033	10691.7
not affected by terrain losses	551386	10663.5
lost to NTSC IX	2936	153.0
lost to additional IX by ATV	28906	1364.6
lost to all IX	31842	1517.6

Finished Fri Jun 23 23:32:07; run time 0:03:30

13108 calls to Longley-Rice; path distance increment 1.00 km

**CERTIFICATE OF SERVICE**

I, Keith Leitch., hereby certify that on this 10th day of July, 2000, copies of the foregoing

"Petition for Rulemaking" were mailed to the following:

Mr. Roy J. Stewart  
Chief, Mass Media Bureau  
Federal Communications Commission  
The Portals II, Room 2-C347  
445 Twelfth Street, S.W.  
Washington, DC 20554

Mr. Keith Larson  
Assistant Chief, Engineering  
Mass Media Bureau  
Federal Communications Commission  
The Portals II, Room 2-C420  
445 Twelfth Street, S.W.  
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\_\_\_\_\_  
Keith Leitch